

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:  ONE JET, INC.,  Debtor.  ROSEMARY C. CRAWFORD, Chapter 7 Trustee,  Movant,  MUG UNION BANK, N.A.,  Respondent.	Bankruptcy No. 2:18-bk-24070  Chapter 7  Related Doc. Nos.: 175 & 198  Hearing Date: June 20, 2019 Hearing Time: 10:30 a.m.
---	--

**MOTION TO WITHDRAW OF CHAPTER 7 TRUSTEE'S MOTION TO CONDUCT  
RULE 2004 DISCOVERY OF MUG UNION BANK, N.A.**

Rosemary C. Crawford (the "Trustee"), the chapter 7 trustee for the estate of One Jet, Inc., by and through her undersigned counsel, files this *Motion to Withdraw Chapter 7 Trustee's Motion to Conduct Rule 2004 of MUG Union Bank, N.A.* (the "Motion"), and in support thereof states as follows:

**JURISDICTION AND VENUE**

1. The United States Bankruptcy Court for the Western District of Pennsylvania (the "Court") has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334. This matter is a core proceeding under 28 U.S.C. § 157(b) (2). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief requested herein are section 105 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the "Bankruptcy Code"), and Rules 2004 and 9016 of the Federal Rules of Bankruptcy Procedure ("FRBP").

### **FACTUAL BACKGROUND**

3. On the October 17, 2018, petitioning creditors filed an involuntary petition for relief under chapter 7 of title 11 of the Bankruptcy Code against One Jet, Inc. (the “Debtor”).

4. On November 13, 2018, the Court entered an order for relief [Doc. No. 28], granting the Petition against the Debtor.

5. On November 13, 2018, the Chapter 7 Trustee (“Trustee”) was appointed to administer the estate of the Debtor.

6. On February 27, 2019, the Court entered an order authorizing the employment of the law firm of Bernstein-Burkley, P.C. as special counsel for the Trustee (“Special Counsel”).

7. MUFG Union Bank, N.A. (“UnionBank”) is a national bank with headquarters in San Francisco, California and various branches in several states.

8. On or about May 3, 2019, the Trustee filed a Motion to Conduct Rule 2004 Discovery against UnionBank (“2004 Motion”) [Doc. No. 175].

9. The deadline to respond to the 2004 Motion was set for June 8, 2019 and hearing was scheduled for June 20, 2019 at 10:30 a.m. [Doc. No. 198].

10. On May 31, 2019, UnionBank complied with the request and served the Trustee with documents responsive to the previously served Subpoena for Rule 2004 Examination (“Subpoena”).

### **RELIEF REQUESTED**

11. By this Motion, and in light of UnionBank’s document production, the Trustee respectfully requests the entry of an order withdrawing the 2004 Motion and canceling the scheduled hearing related to the same.

**RESERVATION OF RIGHTS**

12. The Trustee reserves all rights to serve additional request for documents or examination in the course of her investigation, pursuant to Rule 2004 or otherwise, and to propound discovery in connection with this matter and/or any other matter that may arise in this case.

WHEREFORE, the Trustee respectfully requests the entry of an Order granting this Motion, withdrawing the Chapter 7 Trustee's *Motion to Conduct Rule 2004 of MUFG Union Bank, N.A.* and cancelling the related hearing.

Dated: June 11, 2019

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By: /s/ Kerri C. Sturm

Kirk B. Burkley, Esq.

PA I.D.: 89511

Kerri C. Sturm, Esq.

PA I.D.: 89838

707 Grant Street, Suite 2200, Gulf Tower

Pittsburgh, PA 15219

Phone: (412) 456-8108

Fax: (412) 456-8135

Email: [kburkley@bernsteinlaw.com](mailto:kburkley@bernsteinlaw.com)

[ksturm@bernsteinlaw.com](mailto:ksturm@bernsteinlaw.com)

*Special Counsel for Trustee*